



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Joe Cicero, President
Americans for Democratic Action
Southern California Chapter
3916 South Sepulveda Boulevard
Culver City, CA 90230

JUN -2 2016

RE: MUR 6836
Americans for Democratic Action
Southern California Chapter

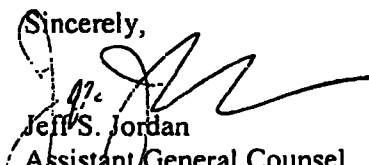
Dear Mr. Cicero:

On June 10, 2014, the Federal Election Commission notified Americans for Democratic Action, Southern California Chapter, and you as president ("ADA") of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). On May 24, 2016, the Commission found, on the basis of the information in the complaint and information provided by you that there is no reason to believe ADA violated the Act or Commission regulations. Accordingly, the Commission closed its file in this matter.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009). The Factual and Legal Analysis, which explains the Commission's finding, is enclosed for your information.

If you have any questions, please contact Elena Paoli, the attorney assigned to this matter, at (202) 694-1548.

Sincerely,


Jeff S. Jordan
Assistant General Counsel
Complaints Examination &
Legal Administration

Enclosure
Factual and Legal Analysis

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Marianne Williamson for Congress MUR 6836
and Kevin R. Heneghan as treasurer
Progressive Leaders for Democratic
Action
Americans for Democratic Action

I. INTRODUCTION

This matter was generated by a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended (the "Act") and Commission regulations by Marianne Williamson for Congress and Kevin R. Heneghan as treasurer ("Committee"), the Progressive Leaders for Democratic Action ("PLDA"), the University of California, Los Angeles ("UCLA"), and Americans for Democratic Action ("ADA"). It was scored as a low-rated matter under the Enforcement Priority System, by which the Commission uses formal scoring criteria as a basis to allocate its resources and decide which matters to pursue.

A. Facts

In early May 2014, PLDA, a student organization at UCLA, posted on its Facebook page that it endorsed Williamson for Congress and encouraged UCLA students to volunteer to help the campaign. Compl. at 2-3. PLDA also posted photographs of students wearing Williamson campaign t-shirts and news about an off-campus event featuring her and musician Alanis Morissette. *Id.*

On May 29, 2014, PLDA sponsored an event for Williamson on campus. Compl. at 1-3. PLDA publicized the event by posting a flyer on its Facebook page. Compl. at 3. The flyer includes a disclaimer at the bottom that states, "Paid for by Marianne Williamson for Congress."

1 See Compl. Appendix A. The event included “an elaborate fruit, cheese and refreshment
2 display.” Compl. at 1.

3 In addition to alleging that UCLA and PLDA made prohibited contributions,
4 Complainant alleges that they violated the Act by promoting and endorsing Williamson, and that
5 PLDA is a “front” for her campaign. *Id.* at 3-4. Furthermore, the Complainant alleges that
6 PLDA is hosted on the same nationbuilder.com platform as the Los Angeles Chapter of ADA,
7 which supports the theory that PLDA was established in April 2014 in association with
8 supporters of the Committee in order to make it appear as though a UCLA student association
9 supported the campaign. *Id.*

10 UCLA responds that it did not host the May 29 event; rather PLDA, an independent,
11 registered student organization, hosted it. UCLA Resp. at 1, 3. UCLA further states that it
12 charged PLDA the same rate for the use of its facilities that it would have charged any other
13 student group, and that PLDA received no university funding. *Id.* at 1, 3 and 4. Specifically,
14 UCLA invoiced PLDA for event costs totaling \$68, which purportedly covered event planning
15 and personnel. *Id.* at 5 and UCLA Resp., Exh. H. (payment receipt from PLDA).¹

16 The joint response from PLDA and ADA, submitted by Joe Cicero, states that the PLDA
17 is not a “front organization” for anyone.² PLDA Resp. at 1. PLDA further responds that it was
18 not created just to support Williamson and notes that she was one of 36 candidates endorsed by
19 both ADA and PLDA. *Id.*

¹ Publicly available information indicates that the room where the Williamson event took place, the Global Viewpoint Lounge in the Ackerman Union on UCLA’s campus, is available at no cost to student groups. See http://legacy.asucla.ucla.edu/eventservices/stu_venues.asp?ref=prices.

² Joe Cicero appears to be the President of the Southern California Chapter of ADA and a founding director of PLDA. See PLDA Resp.

1 The Committee responds that the Complaint does not allege it violated the Act.

2 Committee Resp. at 1. The Committee further states that it paid for the event's costs and
3 advertisements, and it is not aware of any payments by PLDA or anyone else.³ *Id.*

4 An unincorporated student group, such as PLDA, is a "group of persons" and, thereby,
5 comes under the definition of a "person" under the Act. 52 U.S.C. § 30101(11). In 2014, a
6 person was limited to making \$2,600 in contributions, including in-kind contributions, per
7 election to any candidate. 52 U.S.C. § 30116(a)(1)(A). The term "expenditure" is defined by the
8 Act as "any purchase, payment ... or anything of value made by any person for the purpose of
9 influencing any election for Federal office ..." 52 U.S.C. § 30101(9)(A).

10 There is no evidence in the record to suggest that ADA was involved with the event and,
11 therefore, the Commission finds no reason to believe that Americans for Democratic Action
12 violated the Act or Commission regulations.

13 It is not clear whether the Committee or PLDA paid the costs associated with the event.
14 The Committee states that it paid all of the costs, although the receipt from UCLA indicates that
15 PLDA paid the room rental fees and other costs. Committee Resp. at 1, UCLA Resp., Exh. H.
16 (payment receipt from PLDA). We also do not know the cost of the food and refreshments,
17 although they were likely modest. In any event, the Committee's reports to the Commission do
18 not appear to disclose the costs, either as a contribution from PLDA or an expenditure it made.

19 However, in light of the apparent low dollar amount associated with the event at issue,
20 the Commission exercises its prosecutorial discretion, pursuant to *Heckler v. Chaney*, 470 U.S.

³ In contrast, in an article attached to the Complaint, Cicero apparently stated that the Williamson event was not funded by the Committee but that PLDA had applied for funding for it from another student group. *See* Compl. Attachment, Benjamin Genta, THE DAILY BRUIN ([HTTP://DAILYBRUIN.COM](http://dailybruin.com)), *Candidate Marianne Williamson speaks at Ackerman Thursday* (May 30, 2014).

- 1 821 (1985), and dismisses this matter as to Marianne Williamson for Congress and Kevin R.
- 2 Heneghan in his official capacity as treasurer and the Progressive Leaders for Democratic
- 3 Action.